

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION

Consolidated Multidistrict Action
11 MD 2296 (WHP)(JLC)
12 MC 2296 (WHP)(JLC)

ECF Case

THIS DOCUMENT RELATES TO:

ALL INDIVIDUAL CREDITOR ACTIONS,
AS DEFINED IN MASTER CASE ORDER
NO. 3 (ECF NO. 1395)

NOTICE OF SUBMISSION OF LETTER

Pursuant to paragraph 47 of Master Case Order No. 3 (Sept. 7, 2012) [ECF No. 1395], please take notice that the undersigned submitted the attached letter to the Court in the above-captioned actions.

Dated: March 5, 2013
New York, NY

By: /s/ David Zensky

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March 5, 2013

VIA MESSENGER

Hon. William H. Pauley III
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re Tribune Co. Fraudulent Conveyance Litig.*
Case Nos. 11-MD-2296 (WHP), 12-MC-2296 (WHP)
Phase One Omnibus Motion to Dismiss

Dear Judge Pauley:

We are liaison counsel for the Note Holder Plaintiffs in the above-referenced actions.¹
We write on behalf of the Note Holder Plaintiffs and the Retiree Plaintiffs.

On February 4, 2013, the Defendants' Executive Committee filed their Reply Memorandum In Further Support Of Defendants' Joint Phase One Motion To Dismiss The Individual Creditor Actions With Prejudice Pursuant To Federal Rule Of Civil Procedure 12(b)(6), Docket No. 85 (the "Phase One Reply"). On page 5 of the Phase One Reply, the Defendants cite to, and quote from, an order and argument transcript in *Whyte v. Barclays Bank PLC et al.*, No. 12 Civ. 5318 (S.D.N.Y.). Although the order and transcript were submitted as exhibits to support the Phase One Reply, the Defendants did not provide the Court with copies of the relevant briefing from that case.

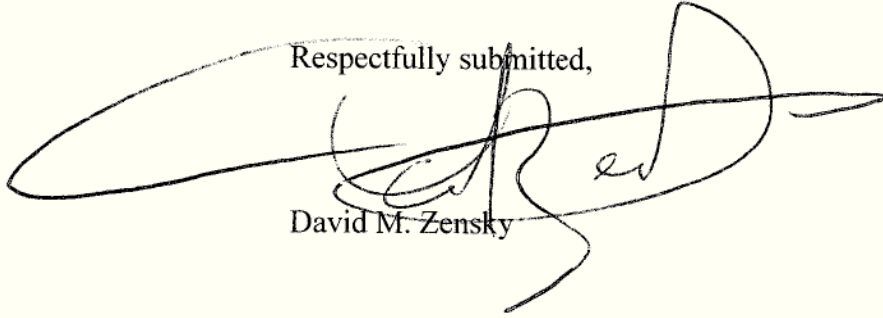
So that the extent of the *Whyte* plaintiffs' arguments in opposition to preemption is part of the record before this Court, enclosed please find: (1) a binder containing the briefs filed by each of the parties in connection with the motion to dismiss in that case, Docket Nos. 15, 20, 22, 24, 26; and (2) a binder containing documents filed in support of those briefs, Docket Nos. 16, 23.

¹ Capitalized terms have the meaning ascribed to them in Master Case Order No. 3, *In re Tribune Co. Fraudulent Conveyance Litig.*, 11-md-2296 (S.D.N.Y. Sept. 7, 2012), ECF No. 1395.

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Respectfully submitted,



David M. Zensky

cc: Defendants' Liaison Counsel (via email, without enclosure)
Robert J. Lack, Esq. (via email, without enclosure)
Jay Teitelbaum, Esq. (via email, without enclosure)

Enclosures